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**MAY 06 2022**

UNITED STATES COURT  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

DISTRICT OF NORTHERN CALIFORNIA

James Hellard

Case No.: 4:22-cv-02001 -JSW

vs.

CITY OF SAN RAFAEL

RESPONSE TO CITY OF SAN RAFAEL'S MOTION  
TO DISMISS

I, Hellard, submit the following response to the California Department of Transportation's motion to dismiss.

Defendants motion to dismiss cannot be sustained. Defendants assertion that no controversy exists is only supported by the perjurious statements of Carl Huber. Because it relies primarily on the perjDefendants assumption that no controversy exist is based on the perjurious statements of Carl Huber.

This response is filed concurrently with a motion to strike Mr. Hubers declaration and sanction him for perjury. Until the material fact of how criminalization of homelessness is the driver of the encampment is settled, a motion to dismiss with prejudice is not sustainable. I will not waste the courts time pondering and responding to all of their other tangential assertions in Defendants motion because of this. Defendants are basing their motion to dismiss on their own acts perjury, and I am challenging the perjury, the motion to dismiss is premature.

Furthermore, I am filing concurrently with this response a motion to leave to amend my complaint, which will give me time to retain an attorney to represent me and prosecute this case. Me retaining an attorney is in the interest of this court so that the case may be decided on its merits rather than the power differetntial between myself, Defendants, and the Defendants hired law firm. I now have significantly more opportunity to retain an attorney thanks to favorable media coverage of this case.

Respectfully Submitted

Signed

Date

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